

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JACQUELYN CAMPBELL CHESSON, §
et al., §
§
v. § CIVIL ACTION NO. H-01-315
§
TJR PARTNERSHIP LTD, *et al.* §

ORDER

Consistent with the Memorandum and Order issued this date, the following orders are entered:

1. Order Clarifying that Certain Individuals are Plaintiffs in the Case

The following individuals are party plaintiffs. They were included in the March 2003 Second Amended Complaint, were on the December 2004 active plaintiff list, and attended the subsequent hearings or timely explained why they failed to do so. Those individuals do not need to make any further showing that they are proper party plaintiffs. They are:

1. Joseph and Anita Allooh
2. Robert and Filberta Barron¹
3. Steven Baxter and Regina Fannell
4. Sheldon and Shirley Bennett
5. Joel Bergkvist and Theresa Bergkvist
6. Shawn and Gidget Bernard
7. Rick Bishop and Claudette Ferraro
8. Kevin and Billie Bobbit
9. William and Priscilla Braddock
10. Tommy Breedlove
11. Bobbie and Rosita Campbell
12. Jacquelyn Chesson

¹ Robert and Filberta Barron were named in the Second Amended Complaint but not on the December 2004 active plaintiffs list. Because they were on the Second Amended Complaint and attended the hearings, they are proper plaintiffs.

13. Michael and Beth Davidson
14. Clarence and Katrina DeSha
15. Harold and Sandra Dodson
16. John and Regina Doty
17. Everett and Sandra Eaton
18. James Farnkoff and Patricia Jeffcoat
19. Jackie Gatlin
20. Dewey and Vanesa Guillory
21. Monika Hall and Edmund Davis
22. David Hatfield
23. Johnnie and Cherrie Hensley
24. Gerald Hensley
25. Forest and Corine Holy
26. Jackie Hudson
27. William and Paula Knapp
28. Joseph and Marjorie Lewis
29. John and Louise Leyendecker
30. Timothy and Andrea Lockhart
31. James Mathes
32. Ricky and Sharon Mosley
33. Edward and Linda Rankin
34. Charles and Marsha Rokhol
35. Natividad and Alicia Ruiz
36. John and Margaret Shelly
37. David and Carla Shumate
38. Julina Smith
39. John and Tina Stanley
40. John Swindall
41. Wesley and Beverly Thom
42. Kindall and Darlene Trapp
43. William and Jo Ann Whitson
44. Arthur and Sandra Wilson

2. Order that Certain Individuals are Dismissed from this Case

The claims of those individuals who were named in the March 2003 Second Amended Complaint, not named on the December 2004 active plaintiffs list, and who have not appeared at the hearings or notified this court of their intent to proceed with this case as

ordered in the November 2, 2005 and January 5, 2006 orders, are **DISMISSED** for failure to prosecute. FED.R.CIV.P. 41(b); *Boudwin v. Graystone Ins. Co., Ltd.*, 756 F.2d 399, 401 (5th Cir. 1985) (citing *Link v. Wabash R. Co.*, 370 U.S. 626 (1962)). The individuals whose claims are dismissed are:

1. Darrell Abshire
2. Kristen Abshire
3. David Ackman
4. Gloria Briock
5. Mike Briock
6. Dorothy Carville
7. Regina Fanelli
8. Markel Fox
9. Jerry Freeman
10. Monica Freeman
11. George and Diane Globus
12. Belinda Gorby
13. Michelle Hall
14. John and Rachel Henderson
15. Terri Hensley
16. Noel Hill
17. Victoria Hill
18. Florence Jackson
19. Janet Kaelin
20. Sherry Kirby
21. Vickie Leonard
22. Bryant McDonald
23. Jason Meshell
24. Elvira Mondlonado
25. James Mosley
26. Rhonda Mosley
27. Charles Parshall
28. Jennifer Parshall
29. Thomas Renshaw
30. Sherry Roscom
31. Walter Roscom
32. Steven Stewart
33. John Swindle

34. Glen Tippett
35. Donna Todriff
36. George Vaughn
37. Robert Werner
38. Jim Wolford

Those individuals named in the March 2003 Second Amended Complaint and included in the December 2004 active plaintiffs list, but who have not attended any hearings or filed a letter as ordered by this court in its November 2, 2005 and January 5, 2006 orders, are **DISMISSED** for failure to prosecute. They are:

1. Waldo Avalos
2. Alvin Babcock
3. Lisa Babcock
4. Theresa Bankert
5. Jose and Salena Barrios
6. Sam and Regina Bartley
7. Arthur and Eva Bibbs
8. Judy Blair
9. Charles and Janet Bliss
10. Dicky and Sonya Borden
11. Richard Brandt and Kevin Brandt
12. Donald and Patricia Briggs
13. Hazel Briles
14. Cameron Brown and Linda Winters
15. Geraldine Brown
16. James and Jacqueline Burnett
17. Ronnie and Stephanie Burrows
18. Jake and Cherry Carlock
19. Tanja Carmichael
20. Ron and Rhonda Carson
21. Leo and Ernestine Childress
22. Kenneth D. Clark
23. Wesley and Michelle Collins
24. Mathew and Jill Copeland
25. Eddie and Brandy Cox
26. Jesse and Michelle Crain
27. Danny and Heidi Cromeens

28. James and Roberta Cuplin
29. Loren Dennard and Thelma Metzger
30. Richard and Betty Doyle
31. Chad and Judina Faulkner
32. Greg and Sara Faulkner
33. David and Theresa Ferguson
34. Ron and Elizabeth Ferguson
35. Ronald and Tonya Fitch
36. Scott and Janice Freile
37. Patrick and Katherine Globus
38. William Gorby
39. Jesse Grandios
40. Darren and Tamara Griffis
41. Douglas and Hilda Hagler
42. Joseph Haley
43. Paul and Juanita Hatch
44. Darrell and Andrea Hayes
45. Joe and Kathryn Hernandez
46. Thomas and Judy Holmes
47. Duane and Crista Hudson
48. Melvin and Martha Hudson
49. Robert and Alice Hughes
50. Anthony and Tina Hunter
51. Floyd and Majorie Jacobs
52. Richard and Shawn Johnson
53. Willie and Johnny Jones
54. Deanna Killian
55. Judith Lazo and Richard Tillison
56. Glenn and Marilyn Lewis
57. Elizabeth Lumpkin
58. Jack Lyle and Donna Brown
59. Robert and Lora Lynch
60. Jerry and Tina Manshack
61. John and Chantel Marker
62. Johnny and Linda Martin
63. Jeff and Yvonne Mayfield
64. Shane and Pamela Mayfield
65. Roxanne McKey
66. James and Sherri Mercer
67. Norman and Erica Mercer
68. Jamie and Aimee Meshell

69. Bob Meth and Mary Bridges
70. Allen and Renee Miller
71. Clifton and Linda Morphis
72. Joyce Morris
73. Joseph and Theresa Mouton
74. Frank and Griselda Ortiz
75. Richard Poirier and Regina Lakey
76. Dave and Debra Powell
77. Theresa Ray
78. Oscar and Patty Rendon
79. Belinda Renshaw
80. Gary and Darlene Robbins
81. Jesse and Margaret Salazar
82. Steven Saunders
83. Paul and Rose Silcox
84. M.L. Standley
85. Jeff and Tammy Terrell
86. Richard Tillson
87. Sidney and Sandra Toenniges
88. James and Darlene Trapp
89. James and Darlene Tuck
90. Misty Vaughn
91. Edward and Angela Watkins
92. Jack and Brandy Webb
93. Joe and Juliana Weems
94. Kenneth and Susan Westbrook
95. C.J. and Denise White
96. Dennis and Debra Wiggins
97. Danny and Belinda Williams
98. Jerdine Williams
99. Stacy and Lisa Williams
100. T.S. and Jennifer Williamson
101. Bridget Wilson
102. Thomas and Diane Wilson
103. Ronnie Wolf
104. Jamie Wooten and Cathy Kimerer

Those individuals who were not named in the March 2003 Second Amended Complaint, were included on the December 2004 active plaintiffs list, but have not attended

the hearings or filed a letter of intent to proceed as this court ordered, are **DISMISSED** for failure to prosecute their claims. These individuals are:

1. Ralph Griffith
2. Betty Hughes
3. Maurice and Margie Lavoie

3. Order that Certain Individuals Make a Showing that They Gave Defendants Timely Notice of Their Claims

Certain individuals were not named in the March 2003 Second Amended Complaint or the December 2004 active plaintiffs list, but did appear at the November 2005 hearing, the February 2006 hearing, or sent a letter explaining why they could not attend and that they intended to proceed *pro se*. These individuals were not formally joined to this lawsuit as plaintiffs but their presence at the hearings or letters indicated an intent to be joined. These individuals are:

1. Thomas Akiens
2. Kim Bell
3. Jason and Tiffany Bender
4. Tricia Berry
5. Leah Blankinship
6. Iva Brown
7. Shawn Burnes
8. Dorothy Crowd
9. Daniel Davis
10. Nancy Galynn
11. Bradford Hanson
12. Richard and Lillie Hill
13. Ed Hoffman
14. Ronda Huffman
15. Roderick and Wanda Jefferson
16. Melinda Johnson
17. Charles Loveday
18. Claude and Nicole McGuire

19. Michael McLain
20. Karen McNeill
21. Rudolpho and Mildred Mena
22. Catherine Morris
23. Jessie Owens
24. Wendy Ritchie
25. Debbie Starrett
26. Michelle Reyes and Dean Stuhr
27. Melissa and Alex Szuch

In addition, the following individuals were not named in the March 2003 Second Amended Complaint but were included in the December 2004 active plaintiffs list and have attended subsequent hearings or filed a notice of their intent to proceed. These individuals are:

1. Rosalynn Carney and Marland Carney
2. Robert Remeker
3. Misty Trapp and Tom Herrera

Considering the *pro se* status of these two groups, this court takes their appearances at the hearings and their letters of intent to proceed as motions to have the complaint amended to include them as party plaintiffs.

The individuals who were not named as plaintiffs in the March 2003 Second Amended Complaint or the December 2004 active plaintiffs list, but who later attended the November 2005 hearing, the February 2006 hearing, or sent a letter explaining their absence and intent to proceed, cannot be party plaintiffs unless they can show that they previously notified the defendants of specific claims about the condition of their houses within the two or four year statute of limitations. This information must be filed with the court and sent to counsel for defendants no later than **April 21, 2006**. Specifically, the information must show: (1) when

notice was given to defendants asserting claims based on the condition of the house or subdivision; (2) what was in the notice; (3) how the notice was given to defendants; and (4) to whom the notice was given.

Defendants may respond no later than **May 12, 2006**. This court will issue a subsequent order as to the status of the individuals in this group and order all party plaintiffs to mediation with the defendants.

SIGNED on April 6, 2006, at Houston, Texas.



Lee H. Rosenthal
United States District Judge